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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,700	09/30/2003	Brian V. Belmont	P16793	8134

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EXAMINER

KARIKARI, KWASI

ART UNIT PAPER NUMBER

2617

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,700

Applicant(s)

BELMONT ET AL.

Examiner

Kwasi Karikari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/17/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/17/2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-13, 15-20 and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (U.S. 20040266399 A1), (hereinafter Simpson) in

view of French-St. George et al., (6,122,348), (hereafter George).

Regarding **claims 1 and 15**, Simpson discloses a method /data processing device for managing an incoming call on a cell phone (wireless telephone 100) comprising:

retrieving information (calling number or Caller ID is displayed in the display 102, see Page 3, line 0022) associated with the incoming call; and

enabling a user (a wireless telephone user, see Page 1, line 0004) to manage the incoming call by selecting an appropriate response (the wireless telephone user has an announcement options if he/she could not answer the call, see Page 2, line 0016); but fails to disclose receiving notification of the incoming call on a data processing device that is externally connected to the cell phone.

George teaches a detection of an alert from an incoming call while user is on the computer, where the computer is connected to the server 115 (see col. 7, line 9-41 and Figs. 1 and 2).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of George and Simpson for the benefit of achieving a communication system that uses multiple media options to manage incoming communication event (see Abstract).

Regarding **claim 2**, Simpson further discloses a method according to claim 1 wherein retrieving the information associated with the incoming call further comprises at least one of:

retrieving the information from the cell phone (wireless telephone displays the Caller ID in the display, see Page 2, line 0016);

retrieving the information from the data processing device; and

retrieving the information from a source coupled to the data processing device.

Regarding **claim 3**, Simpson further discloses a method according to claim 1 wherein enabling the user to manage the incoming call further comprises one of:

enabling the user to configure a personal computer to automatically select the appropriate response; and

enabling the user to actively select the appropriate response (the wireless telephone user can select an announcement option that allow wireless phone to answer on his/her behalf, see Page 2, line 0016).

Regarding **claim 4**, Simpson further discloses a method according to claim 3 wherein the appropriate response includes at least one of forwarding the incoming call, requesting a sender of the incoming call to send an instant message and responding to the incoming call with a voicemail message (the wireless telephone user can select an announcement option that allow wireless phone to answer on his/her behalf, see Page 2, line 0016).

Regarding **claim 5**, Simpson further discloses a method according to claim 4 wherein responding to the incoming call with the voicemail message further comprises

selecting one of a plurality of voicemail messages as the appropriate response (the wireless telephone user can select a specific voice mail announcement or a general announcement that allows wireless phone to answer on his/her behalf, see Page 2, line 0016).

Regarding **claim 6**, Simpson further discloses a method according to claim 1 wherein receiving the incoming call further comprises receiving a signal from the cell phone indicating the incoming call (wireless telephone rings, flashes or vibrates to alert the user of a telephone call, see Page 3, line 0022).

Regarding **claims 8 and 22**, Simpson discloses an article/system comprising a machine-accessible medium (100) having stored thereon instructions (main memory, see Fig. 2, item 206 and Page 5, line 0032) that, when executed by a machine (see Fig. 2, items 204, 206 and 212), cause the machine to manage an incoming call (see Fig. 3, item 302) on a cell phone (100) coupled to the machine by:

retrieving information associated with the incoming call (calling number or Caller ID is displayed in the display 102, see Page 3, line 0022); and

enabling a user to manage the incoming call by selecting an appropriate response (the wireless telephone user has an announcement options if he/she could not answer the call, see Page 2, line 0016), but fails to disclose receiving notification of the incoming call on the machine, the machine being external to the cell phone and coupled to the cell phone via a connection.

George teaches a detection of an alert from an incoming call while user is on the computer, where the computer is connected to the server 115 (see col. 7, line 9-41 and Figs. 1 and 2).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of George and Simpson for the benefit of achieving a communication system that uses multiple media options to manage incoming communication event (see Abstract).

Regarding **claims 9, 16 and 23**, Simpson further discloses the article/data processing device/system according to claims 1,8 and 22 wherein the instructions (main memory, see Fig. 2, item 206 and Page 5, line 0032), when executed by the machine, further cause the machine to retrieve the information associated with the incoming call by performing at least one of:

- retrieving the information from the cell phone (wireless telephone displays the Caller ID in the display, see Page 2, line 0016);

- retrieving the information from the data processing device or;

- retrieving the information from a source coupled to the data processing device.

Regarding **claims 10, 17 and 24**, Simpson further discloses the article/data processing device according to claims 8,15 and 22 wherein the instructions (main memory, see

Fig. 2, item 206 and Page 5, line 0032), when executed by the machine, further cause the machine to manage the incoming call by:

enabling the user to configure a personal computer to automatically select the appropriate response; and

enabling the user to actively select the appropriate response (user has an option of choosing manual or auto answering mode in response to a telephone call, see Page 3, line 0021).

Regarding **claims 11, 18 and 25**, Simpson further discloses a method the article/data processing device according to claims 10,17 and 24 wherein the instructions (main memory, see Fig. 2, item 206 and Page 5, line 0032), when executed by the machine, further cause the machine to manage the incoming call by at least one of forwarding the incoming call, requesting a sender of the incoming call to send an instant message and responding to the incoming call with a voicemail message (the wireless telephone user can select a specific voice mail announcement or a general announcement that allows wireless phone to answer on his/her behalf, see Page 2, line 0016).

Regarding **claims 12, 19 and 26**, Simpson further discloses the article according to claims 11,18 and 25 wherein the instructions (main memory, see Fig. 2, item 206 and Page 5, line 0032), when executed by the machine, further cause the machine to enable selection of one of a plurality of voicemail messages as the appropriate response (the wireless telephone user can select a specific voice mail announcement or a general

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announcement that allows wireless phone to answer on his/her behalf, see Page 2, line 0016).

Regarding **claims 13, 20 and 27**, Simpson further discloses the article according to claims 8, 15 and 22 wherein the instructions (main memory, see Fig. 2, item 206 and Page 5, line 0032), when executed by the machine, further cause the machine to receive a signal from the cell phone indicating the incoming call (wireless telephone rings, flashes or vibrates to alert the user of a telephone call, see Page 3, line 0022).

4. Claims 7, 14, 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson in view of George and further in view of Ihara et al., (U.S. 20040185915 A1), (hereinafter Ihara).

Regarding **claims 7, 14, 21 and 28**, the combination of Simpson and George fail to teach according to claims 6, 13, 20 and 27 wherein the signal is an Attention Command ("AT") signal.

Ihara teaches a silent alerting capability for a Bluetooth hand-free device (see Page 1, line 0004). Ihara further discloses that the user answer at Fig. 3, item 328 initiates an "attention" command or "AT" command from HF device to AG device, see Page 3, line 0025).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Ihara with Simpson and George for the benefit of achieving a silent alert communication system.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rogers et al., (U.S. 5,946,386) teaches a call management system with call control from user workstation computer.

Robinson et al., (U.S. 5,581,604) teaches a method and apparatus for processing an incoming call in a communication system.

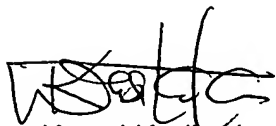
McConnell (U.S. 6,418,306) teach a common message waiting notification across landline and wireless telecommunications networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kwasi Karikari
Patent Examiner.

04/03/2006.



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER